

**BOARD OF APPEALS CASE NO. 4856**

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**BEFORE THE**

**APPLICANTS: James & Patricia Metz**

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**ZONING HEARING EXAMINER**

**REQUEST: Variance to allow an existing  
garage to exceed maximum square footage  
in an Agricultural District;  
1808 Ridge Road, Whiteford**

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**OF HARFORD COUNTY**

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**Hearing Advertised**

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**Aegis: 10/14/98 & 10/21/98**

**HEARING DATE: December 23, 1998**

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**Record: 10/16/98 & 10/23/98**

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### **ZONING HEARING EXAMINER'S DECISION**

The Applicants, James and Patricia Metz, appeared before the Hearing Examiner requesting a variance to Section 267-26(C)(1)( and (4) of the Harford County Code, to permit an existing garage within the required front yard which contains more than 50% of the square footage of habitable space of the principal building.

The subject parcel is located at 1808 Ridge Road in the Fifth Election District. The parcel is identified as Parcel No. 248, in Grid 3-E, on Tax Map 5. The parcel contains 2 acres, more or less, all of which is zoned Agricultural.

Mr. Gerald A. Baxter, a professional architect, appeared and testified that the Applicants purchased the subject parcel in 1994 and that the garage which is the subject of this hearing was constructed in 1987 by a predecessor in title without obtaining a permit. Mr. Baxter said that the garage has dimensions of 24 feet by 40 feet and totals 960 square feet, and the existing dwelling on the parcel contains 1,000 square feet. The witness said that although the garage is in the front yard, the garage is more than 350 feet from Ridge Road and should not have an adverse impact on the neighborhood. Mr. Baxter said that the garage is located 20 feet from the front property line and that the location where the garage was constructed is the most practical location due to the severe topographic conditions which exist on the parcel. The witness said that the garage is used for the storage of an automobile and a private workshop.

## **Case No. 4856 - James & Patricia Metz**

The witness said he did not feel the variance would be substantially detrimental to adjacent properties or materially impair the purpose of the Code because the garage is not visible from Ridge Road. Mr. Baxter also introduced four letters from area property owners indicating that they were not opposed to the Applicants' request.

No protestants appeared in opposition to the Applicants' request.

The Staff Report of the Department of Planning and Zoning recommends conditional approval and provides:

"The topography of the property is such that the present location of the garage is the only practical location. Although the present location is in the front yard setback, the garage should not adversely impact the adjoining properties. Also, the garage is located approximately 350 feet from the road right-of-way, as the property is a panhandle lot. The size of the structure is typical of garages and other structures in the area."

### **CONCLUSION:**

The Applicants are requesting a variance to Section 267-26(C)(1), which provides:

"Use Limitations. In addition to the other requirements of this Part 1, an accessory use shall not be permitted unless it strictly complies with the following:

- (1) In the AG, RR, R1, R2, R3, R4 and VR Districts, the accessory use or structure shall neither exceed fifty percent (50%) of the square footage of habitable space nor exceed the height of the principal use or structure..."

Section 267-26(C)(4) provides:

"No accessory use or structure shall be established within the required front yard except agriculture, signs, fences, walls or parking area and projections or garages as specified in Section 267-23(C), Exceptions and modifications to minimum yard requirements."

The evidence indicates that the existing dwelling contains 1,000 square feet of habitable space and the garage which was constructed by the Applicants' predecessor in title contains 960 square feet. The Applicants are requesting a variance of 460 square feet. The Applicants are also requesting a variance to allow the garage to be located in the front yard setback.

**Case No. 4856 - James & Patricia Metz**

The uncontradicted testimony of the Applicants' expert witness, as corroborated by the Staff Report, is that the only practical location on the parcel is the present location of the garage due to topographic conditions. The testimony also indicates that approval of the requested variances will not be substantially detrimental to adjacent properties or materially impair the purpose of the Code because the garage is set back at least 350 feet from Ridge Road and cannot be seen from the road. The Code also requires a 40 foot front yard setback and the Applicants are proposing a 20 foot setback.

It is the finding of the Hearing Examiner that the subject parcel is unique for the reasons stated by the Applicants' expert witness and, further, that the variance will not be substantially detrimental to adjacent properties or materially impair the purpose of the Code for the reasons set forth above.

Therefore, it is the recommendation of the Hearing Examiner that the requested variances be approved, subject to the condition that the Applicants obtain all necessary permits for the garage.

Date        JANUARY 19, 1999

L. A. Hinderhofer  
Zoning Hearing Examiner